

HOUSE BILL 1213

F3

2lr2914

By: ~~Delegates McComas, Impallaria, James, McDonough, Norman, Stifler, and Szeliga~~ **Harford County Delegation**

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2012

CHAPTER _____

1 AN ACT concerning

2 **Harford County Board of Education – Student Member – ~~Voting Rights~~**

3 FOR the purpose of providing that the student member of the Harford County Board
4 of Education has certain rights and privileges; prohibiting the student member
5 from voting on or participating in certain matters; providing that certain
6 provisions of law relating to the payment of certain expenses for members of the
7 Harford County Board of Education do not apply to the student member of the
8 Board; making certain clarifying changes; altering a certain definition; and
9 generally relating to the Harford County Board of Education and student
10 member voting rights and expense allowance.

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section ~~3–6A–01 and 3–6A–02~~, 3–6A–02, and 3–6A–04
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2011 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Education**

19 3–6A–01.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) In this subtitle, “elected member” means a voting member elected
2 under subsection (d) or (e) of this section or a member appointed to an elected position
3 on the Harford County Board of Education under subsection (e)(2) of this section.

4 (2) “Elected member” does not include a:

5 (i) County superintendent of schools serving as an ex officio
6 member of the county board; or

7 (ii) [Nonvoting student] **STUDENT** member selected under
8 subsection (f) of this section.

9 (b) The county board consists of:

10 (1) Six elected members;

11 (2) Three appointed members;

12 (3) The county superintendent of schools, who is an ex officio
13 nonvoting member; and

14 (4) One [nonvoting] student member.

15 (c) (1) (i) A member from a councilmanic district shall be a resident of
16 that district.

17 (ii) A member from a councilmanic district who no longer
18 resides in that district may not continue as a member of the county board.

19 (2) A member of the county board shall be a registered voter of the
20 county for at least 3 years prior to the date of the beginning of the term of office of the
21 member.

22 (d) (1) Of the nine voting members of the county board **ELECTED OR**
23 **APPOINTED UNDER THIS SUBSECTION:**

24 (i) One member shall be elected from each of the six
25 councilmanic districts only by the voters of that councilmanic district; and

26 (ii) Three members shall be appointed by the Governor.

27 (2) The elected members shall be elected at a general election as
28 required by subsection (e) of this section.

29 (3) The appointed members shall be appointed, when appropriate,
30 within 90 days of the general election.

1 (e) (1) Except for the [nonvoting members] **EX OFFICIO MEMBER AND**
2 **THE STUDENT MEMBER**, a member serves for a term of 4 years beginning July 1 after
3 the election or appointment of the member and until a successor is elected or
4 appointed and qualifies.

5 (2) (i) Unless otherwise disqualified under this section, a member
6 of the county board is eligible for reelection or reappointment.

7 (ii) A voting **ELECTED** member **OR AN APPOINTED MEMBER**
8 may not serve for more than two consecutive terms as a voting member.

9 (3) The Harford County Board of Elections may adopt regulations to
10 implement this subsection.

11 (f) (1) The Harford County Council shall appoint a qualified individual to
12 fill any vacancy of an elected member on the county board for the remainder of the
13 term and until a successor is elected and qualifies.

14 (2) The Governor shall appoint a qualified individual to fill any
15 vacancy of an appointed member of the county board for the remainder of the term and
16 until a successor is appointed and qualifies.

17 (g) (1) The [nonvoting] student member of the county board shall be
18 elected by the high school students of the county in accordance with procedures
19 established by the Harford County public school system.

20 (2) The student member shall:

21 (i) Be an eleventh or twelfth grade student, in good standing,
22 and regularly enrolled in the Harford County public school system;

23 (ii) Be a student government association representative at the
24 student's high school;

25 (iii) Serve for 1 year beginning on July 1 after the election of the
26 member;

27 (iv) [Be a nonvoting] **EXCEPT AS OTHERWISE PROVIDED IN**
28 **PARAGRAPH (3) OF THIS SECTION, BE A VOTING** member; and

29 (v) Advise the county board on the thoughts and feelings of
30 students in the Harford County public schools.

31 (3) **(I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH**
32 **(III) OF THIS PARAGRAPH, THE STUDENT MEMBER OF THE ~~HARFORD COUNTY~~**
33 **~~BOARD OF EDUCATION~~ COUNTY BOARD HAS THE SAME RIGHTS AND PRIVILEGES**

1 AS A MEMBER APPOINTED OR ELECTED UNDER SUBSECTION (D) OF THIS
2 SECTION.

3 (II) Unless invited to attend by an affirmative vote of a majority
4 of the county board, the student member may not attend an executive session of the
5 county board ADDRESSING A MATTER ON WHICH A STUDENT MEMBER IS
6 PROHIBITED FROM VOTING ON UNDER SUBPARAGRAPH (III) OF THIS
7 SUBSECTION.

8 (III) THE STUDENT MEMBER SHALL VOTE ON AND
9 PARTICIPATE IN ALL MATTERS EXCEPT THOSE RELATING TO:

10 1. GEOGRAPHICAL ATTENDANCE AREAS UNDER
11 § 4-109 OF THIS ARTICLE;

12 2. ACQUISITION AND DISPOSITION OF REAL
13 PROPERTY AND MATTERS PERTAINING TO SCHOOL CONSTRUCTION UNDER
14 § 4-115 OF THIS ARTICLE;

15 3. EMPLOYMENT OF ARCHITECTS UNDER § 4-117 OF
16 THIS ARTICLE;

17 4. DONATIONS UNDER § 4-118 OF THIS ARTICLE;

18 5. CONDEMNATION UNDER § 4-119 OF THIS
19 ARTICLE;

20 6. CONSOLIDATION OF SCHOOLS AND
21 TRANSPORTATION OF STUDENTS UNDER § 4-120 OF THIS ARTICLE;

22 7. APPOINTMENT AND SALARY OF A COUNTY
23 SUPERINTENDENT UNDER §§ 4-201 AND 4-202 OF THIS ARTICLE;

24 8. EMPLOYEE DISCIPLINE AND OTHER APPEALS
25 UNDER § 4-205(C) OF THIS ARTICLE;

26 9. BUDGETARY MATTERS UNDER TITLE 5 OF THIS
27 ARTICLE;

28 10. APPOINTMENT AND PROMOTION OF STAFF UNDER
29 § 6-201 OF THIS ARTICLE;

30 11. DISCIPLINE OF CERTIFICATED STAFF UNDER
31 § 6-202 OF THIS ARTICLE;

1 **12. COLLECTIVE BARGAINING FOR CERTIFICATED**
2 **EMPLOYEES UNDER TITLE 6, SUBTITLE 4 OF THIS ARTICLE;**

3 **13. COLLECTIVE BARGAINING FOR**
4 **NONCERTIFICATED EMPLOYEES UNDER TITLE 6, SUBTITLE 5 OF THIS ARTICLE;**

5 **14. STUDENT SUSPENSION AND EXPULSION UNDER §**
6 **7-305 OF THIS ARTICLE; AND**

7 **15. SCHOOL CALENDAR AND CURRICULUM.**

8 3-6A-02.

9 (a) [The] **EXCEPT FOR THE STUDENT MEMBER, THE** State Board may
10 remove a voting member of the county board for:

11 (1) Immorality;

12 (2) Misconduct in office;

13 (3) Incompetency;

14 (4) Willful neglect of duty; or

15 (5) Failure to attend, without good cause, at least 75% of the
16 scheduled meetings of the county board in any 1 calendar year.

17 (b) Before removing a member, the State Board shall send the member a
18 copy of the charges and give the member an opportunity to request a hearing within
19 10 days.

20 (c) If the member requests a hearing within the 10-day period:

21 (1) The State Board promptly shall hold a hearing, but a hearing may
22 not be set within 10 days after the State Board sends the member a notice of the
23 hearing; and

24 (2) The member shall have an opportunity to be heard publicly before
25 the State Board in the member's own defense, in person or by counsel.

26 (d) A member removed under this section has the right to a de novo review of
27 the removal by the Circuit Court for Harford County.

28 3-6A-04.

1 (a) Each NONSTUDENT member of the Harford County Board is entitled to
2 receive \$3,600 annually for travel and other expenses related to the performance of
3 duties as a member of the board.

4 (b) Payments to a NONSTUDENT member for the expenses described in
5 subsection (a) of this section shall be paid in 12 equal monthly installments.

6 (c) Subject to the approval of the board, a NONSTUDENT member may be
7 reimbursed for additional travel and other expenses.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.